

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/content/council/boa/index.asp

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 17, 2010, 9:30 a.m.

ACTION ITEMS:

1. **Minutes**, January 27, 2010 Worksession.

Action: Approved, (CJS/WSB, 4-0/CGT/abstained).

2. **A-6306, Appeal of Jean Cooper** (Department of Permitting Services Notice of Violation dated September 11, 2009) Letter to the Board from Jean Cooper requesting a refund of the filing fee. Also included is a letter to the Board from Malcolm F. Spicer, Jr., Esquire, on behalf of the Department of Permitting Services, withdrawing the Notice of Violation.

Action: (1) Administrative appeal mooted by DPS; (2) granted 100% (\$200.) refund of the filing fee, (SBB/CJS, 5-0).

3. **A-6310, Appeal of Joseph Vaeth** (Department of Permitting Services NOV dated December 2, 2009). Letter to the Board from Mathew D. Alman, Esquire, on behalf of Joseph Vaeth, requesting a refund of the filing fee. Also included is a letter to the Board from Malcolm F. Spicer, Jr., Esquire, on behalf of the Department of Permitting Services, withdrawing the Notice of Violation.

Action: (1) Administrative appeal mooted by DPS; (2) granted 100% (\$200.) refund of the filing fee, (WSB/SBB, 5-0).

4. **CBA-286-B, Petition of Columbia Country Club** (golf and country club). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. [Large exhibit: revised Special Exception Detailed Site Plan].

Action: Granted the administrative modification, (DKP/WSB, 5-0).

5. **CBA-2521-J, Petition of Montgomery General Hospital** (hospital). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. [Large exhibit: 'Vicinity Map']. Also included are letters of support from Jeremy V. Criss, Mary Anne Normile, Alan M. Wright, Judith Teitelbaum, Jennifer and Roger Fajman, Kathy and John Lyons and Alice Lassiter.

Action: Granted the administrative modification, (DKP/CJS, 5-0).

6. **S-2153, Petition of American PCS, L.P. (by Margaret Ruggieri)** (telecommunication facility) Item returning from December 8, 2009 Worksession. Additional information submitted in response to Board request. Request for administrative modification to allow replacement of an existing tower damaged by fire.

Action: (1) Applicant to supply the Board with official documentation of the company's name change; (2) granted approval of the relocation of the tower as depicted in drawings submitted on 1/27/2010, (DKP/CJS, 5-0).

7. **S-2494, Petition of Omnipoint Communications CAP Operations, LLC and Rahim Tofigh** (telecommunication facility). Letter to the Board from Nathan Campbell requesting administrative modification of the special exception. Large exhibits: Title Sheet, Site Plan, Roof Plan, South and East Elevations, Equipment and Antenna Specs, Electrical details, Coaxial details, General Notes, Electrical Notes].

Action: (1) Granted new ownership of special exception to T-Mobile; (2) granted the administrative modification, (SBB/CJS, 5-0).

DECISION ITEM:

8. **A-6086, Appeal of Joseph Russ.** Board approval of final opinion.

Action: Granted approval of the Board's final opinion, (DKP/WSB, 5-0).

PENDING ITEMS:

9. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status report from Todd Brown, Esquire [W/S 10/17/07]. Re-opened the record to include the status report from Mr. Brown [W/S 4/2/08].

PENDING ITEMS (continued):

10. **A-6117, Appeal of Mary Hemingway and Edward Purich for Cloverly Civic Association** (Department of Permitting Services (DPS) – Issuance of Building Permit No. 402806). Opinion and Order from the Circuit Court. (1) Re-opened the record to include the Opinion and Order from the Circuit Court; (2) action by BOA deferred until 7/6/09. [W/S 6/17/09].
11. **CBA-1456-A [CBA-1456], Petition of Lindsay Management Company** (off-street parking). Status report from David Freishtat, Esquire, and Anne Marie Vassallo, Esquire. (1) Re-opened the record to include status report from Mr. Freishtat and Ms. Vassallo; (2) Board to be provided with a status report in 60 days. [W/S 7/15/09]. Approximately September 15, 2009.
12. **S-179, David H. Shin (coffee shop)**. Letter to the Board from Sook Kim requesting a transfer of the special exception. Item deferred for additional information regarding ownership of special exception property. [W/S 6/25/08].
13. **S-894, Petition of Joan C. Wright** (major home occupation). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information regarding the number of employees, size of the workspace, renewal period. [W/S 3/11/09].
14. **S-2141, Petition of Bannockburn Swim Club, Inc.** (community swimming pool). Letter from John Chadwick, Pool Board Representative-Improvements, submitting the additional information requested by the Board for an administrative modification. [Large exhibit: site plan]. Item deferred to determine if administrative modification is subject to a forest conservation requirement. [W/S 4/2/08].
15. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (telecommunications facility). Letter to the Board from Karmen Rajamani, Zoning Manager, requesting a transfer of the special exception. Item deferred for confirmation of the transfer from Southwestern Bell Mobil Systems, Inc. [W/S 4/30/08].
16. **S-2651, Petition of Brenneman and Pagenstecher, Inc.** (telecommunications facility). Letter to the Board from Norman Knopf, Esquire, requesting reconsideration of the Board's Resolution dated 9/15/09. Granted the reconsideration request. [W/W 10/7/09].

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